

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: Hillary Sutton and)
Patricia Sutton) Case No. 18-23130-GLT
))
Debtor(s).) Chapter 13

Related to Docket No. 66

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis** ☐ **Chapter 13 Plan dated:**

☐ **Authorizing Distributions Under Plan** ☒ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate January 24, 2022
Protection

IT IS HEREBY ORDERED that pursuant to the plan identified above (the “Plan”), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee’s next available distribution date after the first day of the month following the date on which this Order is entered on the Court’s docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$1828, beginning 2/2019. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee’s TFS online payment program.

- ☐ B. The length of the Plan is changed to a total of at least ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.
- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
* Pittsburgh City & SD EIT CL. #10
* PWSA CL. #11

- ☒ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
* Regional Acceptance CL. #3
* ABS Reo Trust CL. #6
- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☒ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
*US Bank CL. #9
- ☒ K. Additional Terms and Conditions:
* No further payments to Pa Revenue CL. #2 based on refund of the last payment sent. All prior payments ratified.
* Unsecured creditors POT and Minimum Payment (under Section 1325(a)(4)) is revised to \$18,448.30.

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: March 7, 2022


United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

In re:
Hillary Paul Sutton, II
Patricia Lynn Sutton
Debtors

Case No. 18-23130-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Mar 07, 2022

User: auto
Form ID: pdf900

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Total Noticed: 33

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 09, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Hillary Paul Sutton, II, Patricia Lynn Sutton, 2460 Potomac Avenue, Pittsburgh, PA 15216-2752
15009977	+ ABS REO Trust VI, Serviced by Select Portfolio Servicing., 3217 S. Decker Lake Dr., Salt Lake City, UT 84119-3284
14928431	BANK OF AMERICA, N.A., Bank of America, PO BOX 31785, Tampa FL 33631-3785
14892995	+ Bank of America, PO Box 31785, Tampa, FL 33631-3785
14914012	++ COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157 address filed with court:, COLUMBIA GAS OF PENNSYLVANIA, PO BOX 117, COLUMBUS, OH 43216
14892997	Chase Bank, PO Box 15238, Wilmington, DE 19850
14892999	+ Duquesne Light Company, PO Box 37, Pittsburgh, PA 15122-0037
14893000	+ Equitable Federal Credit union, 1889 Britton Road, Akron, OH 44310-1843
14893002	+ Federal Student Loans, PO Box 60610, Harrisburg, PA 17106-0610
14893001	+ Federal Student loan, PO Box 60610, Harrisburg, PA 17106-0610
14893003	+ GE Money Bank, Midland Funding, 2365 Northside Drive, San Diego, CA 92108-2709
14893010	+ PWSA Sewage, Penn Liberty Plaza I, 1200 Penn Avenenue, Pittsburgh, PA 15222-4207
14893009	+ Pennsylvania American Water, PO Box 371412, Pittsburgh, PA 15250-7412
15059218	U.S. Bank N.A. c/o Rushmore Loan Management, P.O. Box 55004, Irvine, CA 92619
14980856	U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184

TOTAL: 15

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: ebnjts@grblaw.com	Mar 07 2022 23:13:00	City and School District of Pittsburgh, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219, UNITED STATES OF AMERICA 15219-6101
cr	+ Email/Text: ebnpwsa@grblaw.com	Mar 07 2022 23:13:00	Pittsburgh Water & Sewer Authority, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219, UNITED STATES OF AMERICA 15219-6101
14927984	Email/PDF: resurgentbknofications@resurgent.com	Mar 07 2022 23:27:15	CACH, LLC its successors and assigns as assignee, of HSBC Card Services (III) Inc., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14894241	+ Email/Text: bankruptcy@capvs.com	Mar 07 2022 23:14:00	Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
14930025	+ Email/Text: ebnjts@grblaw.com	Mar 07 2022 23:13:00	City of Pittsburgh / School District of PGH, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
14893007	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 07 2022 23:27:19	MCYDSNB, PO Box 8113, Mason, OH 45040

District/off: 0315-2

User: auto

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Date Rcvd: Mar 07, 2022

Form ID: pdf900

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14893005	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 07 2022 23:27:18	Macy's, P.O. Box 183083, Columbus, OH 43218
14927699	+ Email/Text: kburkley@bernsteinlaw.com	Mar 07 2022 23:14:00	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14893004	+ Email/Text: BNCNOTICES@noexternalmail.hsbc.com	Mar 07 2022 23:13:00	HSBC, PO Box 2013, Buffalo, NY 14240-2013
14893008	+ Email/Text: RVSVCBICNOTICE1@state.pa.us	Mar 07 2022 23:14:00	PA Department of Revenue, PO Box 280946, Harrisburg, PA 17128-0946
14893424	+ Email/PDF: rmscedi@recoverycorp.com	Mar 07 2022 23:27:33	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14897143	Email/Text: RVSVCBICNOTICE1@state.pa.us	Mar 07 2022 23:14:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946
14952147	+ Email/Text: ebnpwsa@grblaw.com	Mar 07 2022 23:13:00	Pittsburgh Water and Sewer Authority, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
14893011	+ Email/PDF: RACBANKRUPTCY@BBANDT.COM	Mar 07 2022 23:27:28	Regional Acceptance, PO Box 830913, Birmingham, AL 35283-0913
14911482	Email/PDF: RACBANKRUPTCY@BBANDT.COM	Mar 07 2022 23:27:28	Regional Acceptance Corporation, PO Box 1847, Wilson, NC 27894-1847
14893012	+ Email/PDF: gecsed@recoverycorp.com	Mar 07 2022 23:27:12	Synchrony Bank/Walmart, PO Box 960024, Orlando, FL 32896-0024
14922873	Email/PDF: ebn_ais@aisinfo.com	Mar 07 2022 23:27:17	Verizon, by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14893013	+ Email/Text: wfmelectronicbankruptcyntifications@verizonwireless.com	Mar 07 2022 23:13:00	Verizon Wireless, 500 Technology Drive, Suite 500, Saint Charles, MO 63304-2225

TOTAL: 18

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		BANK OF AMERICA, N.A.
cr		Bank Of America, N.A.
cr		Select Portfolio Servicing as servicer for ABS REO
cr		U.S. Bank National Association, not in its individ
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14925994	*	Bank of America, PO BOX 31785, Tampa FL 33631-3785
14892996	*+	Bank of America, PO Box 31785, Tampa, FL 33631-3785
14892998	*P++	COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157, address filed with court:, Columbia Gas, PO Box 742537, Cincinnati, OH 45274
14893006	*P++	DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2223, address filed with court:, Macy's, P.O. Box 183083, Columbus, OH 43218
14892994	##+	Allegheny Health Network, 30 Isabella Street, Pittsburgh, PA 15212-5862

TOTAL: 4 Undeliverable, 6 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

District/off: 0315-2

User: auto

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Date Rcvd: Mar 07, 2022

Form ID: pdf900

Total Noticed: 33

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 09, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 7, 2022 at the address(es) listed below:

Name	Email Address
Bradley Joseph Osborne	on behalf of Creditor U.S. Bank National Association not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT c/o Rushmore Loan Management Services LLC bosborne@hoflawgroup.com, ckohn@hoflawgroup.com
Brian Nicholas	on behalf of Creditor Select Portfolio Servicing as servicer for ABS REO Trust VI bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor BANK OF AMERICA N.A. bnicholas@kmlawgroup.com
Danielle Boyle-Ebersole	on behalf of Creditor U.S. Bank National Association not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT c/o Rushmore Loan Management Services LLC dboyle-ebersole@orlans.com, PABKAttorneyecf@orlans.com
Jeffrey R. Hunt	on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor City and School District of Pittsburgh jhunt@grblaw.com
Joseph Peter Nigro	on behalf of Debtor Hillary Paul Sutton II nigroassociateslaw@gmail.com, chrissyvock86@gmail.com;jasonjkelley@comcast.net;nigrojr73104@notify.bestcase.com
Joseph Peter Nigro	on behalf of Joint Debtor Patricia Lynn Sutton nigroassociateslaw@gmail.com chrissyvock86@gmail.com;jasonjkelley@comcast.net;nigrojr73104@notify.bestcase.com
Karina Velter	on behalf of Creditor U.S. Bank National Association not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT c/o Rushmore Loan Management Services LLC kvelter@hoflawgroup.com, ckohn@hoflawgroup.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Raymond M Kempinski	on behalf of Creditor BANK OF AMERICA N.A. ecfmil@mwc-law.com, ecfmil@ecf.courtdrive.com
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com
Thomas Song	on behalf of Creditor Bank Of America N.A. pawb@fedphe.com
TOTAL: 14	